

1 Scott J. Ferrell, Bar No. 202091
2 Lisa A. Wegner, Bar No. 209917
3 CALL, JENSEN & FERRELL
4 A Professional Corporation
5 610 Newport Center Drive, Suite 700
6 Newport Beach, CA 92660
7 Tel: (949) 717-3000
8 Fax: (949) 717-3100
9 sferrell@calljensen.com
10 lwegner@calljensen.com

11 Attorneys for Defendant Marie Callender's Pie
12 Shops, Inc. d.b.a. Marie Callender's #254

13 UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA
15

16 OUTERBRIDGE ACCESS
17 ASSOCIATION, SUING ON BEHALF OF
18 DIANE CROSS; and DIANE CROSS, An
19 Individual,

20 Plaintiff,

21 vs.

22 MARIE CALLENDER'S PIE SHOPS,
23 INC. d.b.a. MARIE CALLENDER'S #254;
24 PACIFIC BAGELS, LLC d.b.a.
25 BRUEGGARS BAGELS; COURTYARD
26 HOLDINGS, LP; PSS PARTNERS, LLC;
27 AND DOES 1 THROUGH 10, Inclusive,

28 Defendants.

Case No. 07-CV-2129 BTM (AJB)

**APPENDIX OF FOREIGN
AUTHORITIES CITED IN SUPPORT
OF DEFENDANTS' (1) MOTION TO
DISMISS PORTIONS OF
PLAINTIFFS' COMPLAINT AND (2)
FOR ORDER DECLINING
SUPPLEMENTAL JURISDICTION**

*[Notice of Motion, Memorandum of Points
and Authorities and Request for Judicial
Notice filed concurrently herewith]*

Date: January 25, 2008

Time: 11:00 a.m.

Ctrm: 15

****Per Chambers, no oral argument unless
required by the court.***

Complaint Filed: November 7, 2007

Trial Date: None Set

1 TO PLAINTIFFS AND THEIR COUNSEL OF RECORD:

2 Pursuant to California Rule of Court 313(h), Defendant Marie Callender's Pie
3 Shops, Inc. d.b.a. Marie Callender's #254 attaches a copy of the following foreign
4 authorities cited in support of its Motion to Dismiss Portions of Plaintiffs' Complaint
5 and for Order Declining Supplemental Jurisdiction:

6 1. Access 123 v. Markey's Lobster Pool, Inc., 2001 WL 920051, *4 (D.N.H.
7 Aug. 14, 2001);

8 2. Access 4 All, Inc. v. Wintergreen Commercial Partnership, 2005 WL
9 2989307, *3 (N.D. Tex. Nov. 7, 2005);

10 3. Cross v. Plaza Park Inv., L.P., 2007 WL 951772 * 6 (S.D. Cal. 2007);

11 4. DeLil v. El Torito Rest., 1997 WL 714866, at *5 (N.D. Cal. June 24,
12 1997);

13 5. Eiden v. Home Depot USA, Inc., 2006 WL 1490418 * 10 (E.D. Cal. 2006);

14 6. Gunther v. Lin, 50 Cal. Rptr. 317 (2006);

15 7. Hill v. Park, 2004 WL 180044 *5 (E.D. Pa. 2004);

16 8. Martinez v. Longs Drug Stores, Inc., 2005 WL 2072013 (E.D. Cal. Aug.
17 26, 2005);

18 9. Morgan v. American Stores Co. LLC, 2007 WL 1971945 * 3 (S.D. Cal.
19 2007);

20 10. Kohler v. Mira Mesa Marketplace West, LLC, 2007 WL 1614883 * 3
21 (S.D. Cal. 2007);

22 11. Sanford v. Del Taco, Inc., 2006 WL 1310318 (E.D. Cal. 2006);

23 12. Vandeusen v. Adams, 2007 WL 2891502 * 7 (D.S.C. 2007);

24 13. H.R. Rep. No. 101-485 (III), at 67 (1990) (reprinted in U.S.C.C.A.N. 445,
25 490);

26 14. Cal. Civ. Code §52;

27 15. Cal. Civ. Code §§54.3; and

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1 16. California Practice Guide, Federal Civil Procedure Before Trial, ¶9:77
2 (Rutter Group 2006);
3

4 Dated: November 29, 2007

CALL, JENSEN & FERRELL
A Professional Corporation
Scott J. Ferrell
Lisa A. Wegner

7
8 By: /s/Lisa A. Wegner
9 Attorneys for Defendant Marie Callender's
10 Pie Shops, Inc. d.b.a. Marie Callender's #254
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